IMT Nuremberg Archives

H – 4852

International Court of Justice

H4852 – 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date : 20. 5. 46

I certify that Document Number 138 - PS was introduced into evidence as Exhibit Number RF - 310 in the Trial by the International Military Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

Fred NIEBERGALL
Chief, Document
Control Branch.

H4852 - 0003

C E R T I F I C A T E

I hereby certify that the annexed document 138-PS No. RF-1315 is a photostat of an original document submitted in evidence by the ~~United States~~ French Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Nürnberg, 20.8.48

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

H4852 - 0004

TRADUCTION DU DOCUMENT 138 - PS

Berlin W 35, le 17-9-40

Der Chef des Oberkommandos
der Wehrmacht

2 f 28.14 W.Z. N° 3812/40 g

Monsieur le Commandant en Chef
pour l'administration militaire
de la France occupée

En supplément à l'ordre du Führer, alors transmis au Reichsleiter ROSENBERG, de fouiller les loges les bibliothèques et les archives des pays occupés pour les objets précieux pour l'Allemagne et de sauvegarder ces derniers par l'intermédiaire de la Gestapo, le Führer a décidé

Les statuts de propriétés en vigueur en France, avant la guerre, antérieurs à la déclaration de guerre du 1er septembre 1939, restant inchangés.

En conséquence, les cessions faites après ce jour à l'Etat français ou à d'autres personnes sont inapplicables et illégales (par exemple les bibliothèques slovaques et polonaises de Paris, les biens du Palais Rothschild ou d'autres objets en possession juive, sans définition du propriétaire). Des réserves concernant la perquisition, la saisie et le transport en Allemagne, basées sur les raisons ci-dessus, ne seront pas reconnues.

Le Reichsleiter ROSENBERG ou son représentant le Reichshauptstellenleiter EBERT ont reçu du Führer personnellement, des instructions précises concernant le droit de confiscation.

Il est autorisé à transporter, en Allemagne les objets qui lui semblent précieux et à les mettre en sécurité. Le Führer s'est réservé pour lui-même la décision de leur futur emploi.

On est prié d'informer les services compétents.

Signé : KEITEL

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H4852 - 0005

OFFICE OF U.S. CHIEF OF COUNSEL
FOR PROSECUTION OF AXIS CRIMINALITY
APO 887 Date 29 August 1945

No. 138-PS

Source of Original Rosenberg Files

STAFF EVIDENCE ANALYSIS

DESCRIPTION OF ATTACHED DOCUMENT

Title and Nature: Order Keitel's re Einsatzstab to Commanding General of France.

Date: 17 Sept 40 Original ( ) Copy (x); Language German

If not English, is translation attached: Yes ( ) No ( )

Translated by

LOCATION OF ORIGINAL (also WITNESS if applicable) as of 29 Aug 45:
Unknown. Photostat copy bearing Keitel's signature found in Rosenberg files, OCC, Nuremberg.

PERSONS OR ORGANIZATIONS IMPLICATED:

HITLER, ROSENBERG, KEITEL, WEHRMACHT, NSDAP

REFERENCES TO INDEX HEADING (Key to par. nos. of Summary below):

1. SPOLIATION OF FOREIGN PROPERTY - Direct seizure
2. IDEOLOGY, NAZI - Hohe Schule
3. WEHRMACHT - OKW
4. POLICE - Gestapo
5. GENEVA CONVENTION, BREACH OF - Seizure of State property

NECESSARY PROCESSING TO PUT IN EVIDENTIARY FORM; LEADS
Reichshauptstellenleiter Ebert

SUMMARY OF RELEVANT POINTS (with page references):

1. Hitler authorized Rosenberg to seize cultural objects in the Western Territories with the help of the Gestapo and to transport them to Germany.
2. Change of ownership after the outbreak of war (in France 1 Sept. 1939) is not recognized.
3. Rosenberg and his Deputy Ebert have direct orders from Hitler.
4. Hitler reserved for himself the right of disposition.

LT. BUCHSBAUM

NOTE: DO NOT MARK, UNDERLINE OR OTHERWISE DEFACE ATTACHED DOCUMENT

1310

TRANSLATION OF DOCUMENT NO. 138-PS
OFFICE OF U S CHIEF OF COUNSEL

COPY

The Chief of the Supreme Command
of the Armed Forces

Berlin W 35, 17 Sept 1940
Tirpitzufer 72-76
Tel: 21 81 91

2 f 28.14 W.Z. No. 3812/40 g.

TO the
Chief of Army High Command for the Military Administration
in Occupied France.

In supplement to the order of the Fuehrer transmitted at the time to Reichsleiter ROSENBERG to search lodges, libraries and archives of the occupied territories of the west for material valuable to Germany, and to safeguard the latter through the Gestapo, the Fuehrer has decided:

The ownership status before the war in France, prior to the declaration of war on 1 September 1939, shall be the criterion.

Ownership transfers to the French state or similar transfers completed after this date are irrelevant and legally invalid (for example, Polish and Slovak libraries in Paris, possessions of the Palais ROTHSCHILD or other ownerless Jewish possessions). Reservations regarding search, seizure and transportation to Germany on the basis of the above reasons will not be recognized.

Reichsleiter ROSENBERG and/ or his deputy Reichshauptsellenleiter EBERT has received clear instructions from the Fuehrer personally governing the right of seizure; he is entitled to transport to Germany cultural goods which appear valuable to him and to safeguard them there. The Fuehrer has reserved for himself the decision as to their use.

It is requested that the services in question be informed correspondingly.

signed: KEITEL

For information:
Attention: Reichsleiter ROSENBERG

certified true copy
Berlin 15 December 43
(Dr Zeiss

Rosenberg special
purpose staff seal

- -

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO. 138-PS

11 November 1945

I, FRED NIEBERGALL, 2nd Lt, Inf, O-1335567 hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of Document No. 138-PS.

FRED NIEBERGALL
2nd Lt, Inf
O-1335567

H4852 - 0006

H-4852

RF 1310

RF 1310

Vide, RF-1443
for original

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